HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ
& HON'BLE SHRI D.R. DESHMUKH, J.

WRIT PETITION NO.465 OF 2006

PETITIONERS

1. Narayan Prasad Yadav
   Aged about 55 years
   S/o Sahas Ram

2. Jan Singh
   Aged about 40 years,
   S/o Devi Singh Thakur

   Both are R/o Village, Lalpur,
   Tahsil – Kota,
   Dist. Bilaspur (C.G.)

VERSUS

RESPONDENTS

1. C.G. Government through Collector
   Bilaspur (C.G.)

2. Brijlal Singh Sarpanch
   Gram Panchayat Pondi
   Tahsil – Kota, Dist: Bilaspur (C.G.)

3. District Project Co-ordinator
   Sarwa Shiksa Abhiyan
   Bilaspur (C.G.)

4. The Tahsildar Ratanpur
   Tahsil – Ratanpur,
   Dist: Bilaspur (C.G.)

Present: Mr. Ashok Dubey, learned counsel for the petitioners.

Mr. Prashant Mishra, learned Addl. A.G. with Mr. Utkarsh Verma, learned Dy. G.A. for the State.

ORAL ORDER
(Passed on 30th January 2006)

The following oral order of the Court was passed by

S.R. NAYAK, CJ :

The question brought before the Court by way of this Public Interest Litigation relates to the question of expediency and desirability of having a school building in Lalpur village or in Ghasipur village. According to the petitioners' counsel, the Government having granted funds to construct a school building in Lalpur village, should not construct the building in Ghasipur village as suggested by certain political leaders. Although, that is the contention of learned counsel for the petitioners, there is absolutely nothing on record to show that the concerned Governmental Authorities have decided to construct the building in Ghasipur village to house a school. Alternatively, it needs to be noticed that even assuming that the authorities ultimately decide that the school building should be constructed in Ghasipur village which is admittedly adjoining to the village Lalpur, in the public interest and in the interest of school-going children, it is not for this Court to sit in judgment over such a decision taken by public authorities. Be that as it may, the issue brought before the Court certainly does not merit the acceptance as a Public Interest Litigation and that the Court should undertake adjudication of the same under Article 226 of the Constitution of India. The petitioners though *bona fide* in their approach, cannot dictate the terms as to where a school building should situate unless it is shown satisfactorily that the decision taken by the public authorities in that regard is tainted by factual *mala fide* or for some extraneous or collateral consideration. That is not the case made out by the petitioners in this case. Therefore, we dismiss the writ petition at the stage of admission itself. No costs.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Sd/-
Chief Justice